OPENDoors

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Knowing Your Rights and Responsibilities is Key to Renting

Roger Barsy, *Director, Residential Tenancies Branch*

"Landlords and tenants have both rights and responsibilities when renting a property," says Roger Barsy, director, Residential Tenancies Branch. "It's important that they be aware of them as well as laws such as The Human Rights Code."

"Landlords can establish criteria before they rent. This includes reasonable evidence of tenants' ability to pay and reasonable assurance that the tenants will honour their responsibilities," says Barsy. "To avoid discriminating against someone, or appearing to discriminate, landlords should offer the rental unit to the first person who meets the criteria."

" LANDLORDS CAN ESTABLISH CRITERIA BEFORE THEY RENT. THIS INCLUDES REASONABLE EVIDENCE OF TENANTS' ABILITY TO PAY AND REASONABLE ASSURANCE THAT THE TENANTS WILL HONOUR THEIR RESPONSIBILITIES."

Under the code, the law requires that everyone has equal access to all housing that is available to the public. No one can be treated differently from another because she or he belongs to, or is assumed to belong to a specific group. However, if people rent out a room or an area in a private residence while still living in the house, they can choose the person they want to live in the residence with them.

For more information about The Human Rights Code, see inside.

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BEFORE YOU RENT

Before any type of housing unit is rented, landlords should carefully read The Human Rights Commission's Housing Guidelines (see page 3).

The Residential Tenancies Branch suggests landlords also follow these steps:

- When collecting a security deposit, make sure the applicant understands that references will be reviewed and the unit rented to the first qualified person.
- As soon as the investigation is complete, tell applicants your decision.
- Meet with the successful applicant to sign the tenancy agreement.
- Give the tenant a copy of the agreement and a copy of your rules and regulations.
- Give the tenant a Notice to New Tenant form (forms are available from the branch).
- Make sure the tenant moving in and the tenant moving out have co-ordinated their moving times.
- Meet the tenant at the rental unit on move-in day, preferably before any furniture is moved into the unit, and complete an ingoing condition report.
- Give the tenant the keys.

BEFORE YOU RENT

When you're looking for a place to rent, ask yourself the following questions:

- How much rent can I afford to pay each month?
- What area is most convenient for me for work, school, shopping and bus routes?
- What type of housing do I want? (Consider highrise, townhouse, single family unit, etc.)

When you've found a suitable place:

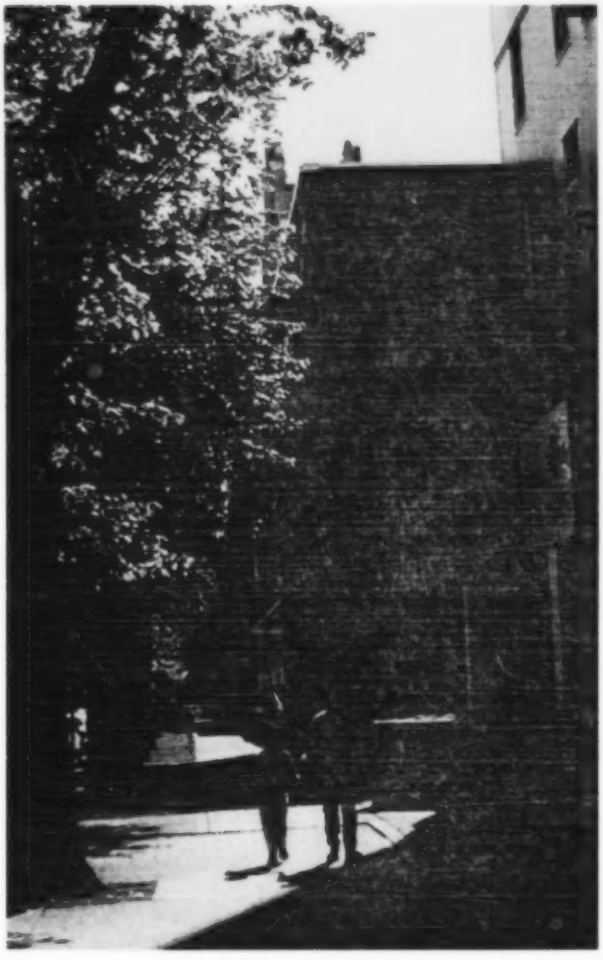
- Note the condition of the inside and outside of the building. (Take special note of the condition of the rental unit, including the condition of the flooring/carpeting, closet/cupboard space, appliances, etc.)
- Find out what services are available. (laundry facilities, parking, air conditioning, security system, furniture, etc.)
- Confirm in writing when any necessary repairs will be made.
- Find out if there is a caretaker living in the building and, if not, how you would contact the landlord.
- Ask to see the actual suite available for rent.

If you plan to rent the unit, ask the following questions:

- How much is the rent and when is it due?
- What is included in the rent? (Are parking, utilities, cable TV, etc. extra?)
- What kind of heat is there and who pays the heating bill?
- How much notice is required if you want to move out?
- What is the landlord's policy on pets, waterbeds, etc.?
- What is the earliest move-in date and time?
- Is this a month-to-month agreement or a fixed-term lease?

If you want to rent the unit, you may have to complete an application form and give a security deposit. Be certain the unit is right for you before you sign the application or pay a security deposit. If you decide not to move in, you may lose your security deposit or the landlord may file a claim against you for loss of rent.

Respecting Human Rights When Renting a Property



The Human Rights Code, administered by the Manitoba Human Rights Commission (HRC), contains housing guidelines for rental agencies, property owners, apartment managers and tenants. The code explains the law specifying everyone should be judged on their individual merits and not by any stereotypes. It states that rental housing must be equally available to all members of the public without discrimination. However, landlords who rent out part of their private residences while living in them can decide what kind of person they would like to share their homes.

For example, a widow who is renting out a room in her home may prefer to rent to a female tenant only. The code recognizes the private nature of this housing arrangement and permits the preference. This situation applies to part of a residence or a multi-home unit, as long as the landlord lives in part of the unit. If landlords own units they do not live in, they cannot show special preferences for renters.

When renting out a property, landlords have the right to:

- protect their property by reasonably selecting suitable tenants for their rental units, and by refusing others who don't meet the criteria (See below)
- obtain all the information about an applicant which is relevant to her/his qualifications as a tenant (For example, a landlord may inquire about an applicant's source of income, but cannot refuse occupancy because all or part of the tenant's income comes from social assistance or welfare.)
- screen applicants on the basis of relevant qualifications using application forms, interviews and reference checks (The HRC can provide sample application forms for landlords.)
- show preferences or make restrictions in situations where exceptions apply (for example, if the landlord is renting a room in his/her own home.)

If an applicant has never rented before, the landlord can generally ask for character references or a co-signer or guarantor. However, it is against the law for all persons who belong to a particular group to be required to have guarantors. For example, to require that all income assistance or welfare recipients must provide a guarantor is against the law.

REASONABLE CRITERIA

To avoid apparent or actual discrimination, the rental unit should be offered to the first person who applies and meets all the reasonable criteria. Landlords are reminded the criteria is required only to show if the prospective tenant is qualified. A landlord must never assume a person is not qualified until all the facts are reviewed. A qualified tenant is a person who can provide a landlord with:

- **reasonable evidence of ability to pay the rent, including information about the potential tenant's income**
- **reasonable indications (for example, past rental history) that show the person will honour responsibilities including paying the rent on time and abiding by the terms of the tenancy agreement**

This information is only a small part of the housing guidelines. The complete document is available on the Human Rights Commission's website at www.gov.mb.ca/hrc or by contacting the commission offices at 945-3007, toll-free 1-888-884-8681 or TTY 204-945-3442 or e-mail: hrc@gov.mb.ca

Responsibilities of Landlords and Tenants

LANDLORDS HAVE SEVERAL RESPONSIBILITIES:

- Make the rental unit available for the tenant on the date the tenant is to move in.
- Provide a written receipt when the rent is paid in cash. It should show the amount of rent received, the date, and the address of the unit and the complex. Automatic debit or pre-authorized payments are considered cash payments.
- Maintain the condition and appearance of the rental unit.
- Ensure the supply of essential services such as heat, gas, electricity, hot and cold water or other public utilities (if these services are included in the rent) and not interfere with them.
- Allow tenants or a member of a tenant's household to enjoy the use of the rental unit and the residential complex for all usual purposes.
- Investigate complaints of disturbance or endangering of safety as soon as possible and try to resolve the problem.
- Provide and maintain sufficient doors and locks to make a rental unit reasonably secure.

TENANTS ALSO HAVE SEVERAL RESPONSIBILITIES:

- Pay the rent on time.
- Keep the rental unit and the residential complex clean.
- Redecorate the rental unit or residential complex only with the written consent of the landlord.
- Take reasonable care not to damage the rental unit. If damage occurs, pay the landlord to repair it or repair it properly within a reasonable period of time.
- Do not disturb others in the residential complex or neighbouring property.
- Do not endanger the safety of others in the building.
- Make sure the people invited into the rental unit or residential complex do not cause damage or disturb or endanger the safety of others.
- Obey the landlord's reasonable rules and regulations.
- Notify the landlord of necessary repairs, preferably in writing.

Need information?

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in person or by phone

Visit your branch office Monday to Friday from 8:30 a.m. to 4:30 p.m.

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